

*attachment  
for yellow*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -x  
UNITED STATES OF AMERICA, :  
Plaintiff, : CV 84 1044  
v. : (Weinstein, Ch. J.)  
PLC ENTERPRISES, INC., and its :  
division, THE DEBEVOISE COMPANY, :  
Defendant. :  
- - - - -x

CONSENT DECREE

WHEREAS, Plaintiff, United States of America, on behalf of the United States Environmental Protection Agency (EPA), filed the complaint herein on March 12, 1984, alleging that the Defendant had violated requirements of the Solid Waste Disposal Act, as amended by and also known as the Resource Conservation and Recovery Act, as amended ("Act" or "RCRA"), 42 U.S.C. §§ 6901-6987, including the hazardous waste management regulations and the terms and conditions of an Administrative Consent Agreement and a Final Compliance Order entered into by EPA and Defendant on March 21, 1983, and

WHEREAS, Defendant doing business as the Debevoise Company owns and operates at 74 20th Street, Brooklyn, Kings County, New York ("the Brooklyn facility"), a plant that manufactured and manufactures paint for industrial maintenance and for consumer products at which Defendant is alleged by Plaintiff to be in

violation of the Act, including the hazardous waste management regulations and the terms and conditions of an Administrative Consent Agreement and Final Compliance Order, and

WHEREAS, the State of New York's solid and hazardous regulatory program has been authorized pursuant to Section 3006 of RCRA. Section 3008 of the Act authorizes EPA to enforce the provisions of the authorized state program, and

WHEREAS, Defendant alleges that it filed a permit application characterizing its operations as a treatment, storage or disposal facility, but further alleges that its operations are properly characterized as a generator within the meaning of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq., and

WHEREAS, Defendant represents that it intends to close its Brooklyn facility by November 30, 1985 and to cease the generation of hazardous wastes at the facility, but may reconsider this decision, and

WHEREAS, without trial or adjudication of any issue of fact or law in this case, the parties have agreed to the following judgment through their attorneys and authorized officials;

NOW, THEREFORE, it is ORDERED as follows:

1. This Court has jurisdiction over the subject matter and over the parties thereto pursuant to 28 U.S.C. §§ 1331, 1345 and 1355 and 42 U.S.C. § 6928. The complaint states a claim upon which relief may be granted against the Defendant pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

2. The provisions of this consent decree and the Appendices annexed hereto shall apply only to the facility operated by defendant at 74 20th Street, Brooklyn, New York and be binding upon the Defendant in this action, its officers, directors, agents, servants, employees, successors, assigns, and all persons, firms, entities and corporations in active concert or participation with them. The Defendant shall give notice of this consent decree to any successors in interest thirty (30) days prior to transfer of ownership or operation of the Brooklyn facility, and defendant shall simultaneously notify the EPA Region II Regional Counsel, the United States Attorney for the Eastern District of New York and the Assistant Attorney General Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530 of any such proposed transfer.

3. During the period from the date of the lodging of this consent decree to November 30, 1985, Defendant is permanently enjoined to maintain compliance as a "generator" of hazardous wastes, with the New York equivalent, known as the "New York Compilation of Codes, Rules and Regulations," of RCRA and its applicable regulations, 40 C.F.R. Part 262 and Subparts B, C, D, I, and J of Part 265. Defendant's compliance shall include but shall not be limited to the following New York equivalent regulation provisions:

- (a) Keep all drums containing hazardous waste closed during storage in accordance with 6 NYCRR 360.8(C)(8)(iii)(a), and

- (b) Develop, follow and submit to EPA Region II a written schedule of inspections in accordance with 6NYCRR 360.8(C)(1)(iv), and
- (c) Submit to EPA Region II documentation concerning personnel training pursuant to 6NYCRR 360.8(C)(1)(vi), and
- (d) Submit to EPA Region II, for its approval, a contingency plan, pursuant to 6NYCRR 360.8(C)(3)(i)(a), designed to minimize hazards to human health or the environment in the event of any unplanned release of hazardous wastes to the environment, and submit the plan to the governmental agencies specified in 6NYCRR 360.8(C)(3)(iii), (Appendix A attached hereto), and
- (e) Submit to EPA Region II a written closure plan pursuant to 6NYCRR 360.8(C)(6)(ii)(a-c), (Appendix B attached hereto), and
- (f) Clean up all hazardous wastes or hazardous waste constituents that have leaked from containers in accordance with 6NYCRR 360.8(C)(2)(i) by decontaminating the ground according to a plan submitted to and approved by EPA Region II, (Appendix B attached hereto), and
- (g) Develop and maintain aisle space, not less than five feet wide, in all areas of the facility in accordance with 6NYCRR 360.8(C)(2)(v), and as



specified in National Fire Prevention Association (NFPA) Fire Code 30, Table 4-8 (1981) for storage of flammable materials,

- (h) Transfer hazardous wastes from containers not in good condition to containers that are in good condition in accordance with 6NYCRR 360.8(C)(8)(i);
- (i) Ensure that containers of hazardous wastes are not stored or handled in a manner which may rupture the container or cause its contents to leak in accordance with 6NYCRR 360.8(C)(8)(iii)(b);
- (j) Relocate and store all hazardous wastes at least 50 feet from the facility property line in accordance with 6NYCRR 360.(C)(8)(v).

4. Within 30 days of cessation of its paint manufacturing operation and the concomitant generation of hazardous wastes at its Brooklyn facility, defendant shall close its facility pursuant to the Resource Conservation and Recovery Act Site Closure Plan (Elson T. Killam Associates) attached hereto as Appendix B.

5. (A) In the event that Defendant continues its paint manufacture operation (and concomitant generation of hazardous waste) beyond November 30, 1985, Defendant is enjoined to comply and maintain compliance with the conditions in paragraph 3 and the additional conditions set forth below:

- (a) Submit to EPA Region II a written operating record in accordance with 6NYCRR 360.8(C)(4)(i);

(b) Design and operate a secondary containment system as described in 40 C.F.R. § 264.175 (no New York equivalent), according to a design submitted and approved by EPA Region II in order to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents, and

(c) Operate the facility so as to prevent unknown/unauthorized entry of persons to the facility in accordance with 6NYCRR 360.8(C)(1)(iii)(a);

(B) In addition, should Defendant continue its paint manufacturing beyond November 30, 1985 it shall, beginning with the quarter ending December 31, 1985 and for every quarter for two years thereafter, the Defendant shall submit in writing to EPA Region II, Solid Waste Branch, a report detailing the status of its continuing compliance with all of the requirements contained in Paragraphs 3 and 5.(A) above. These reports shall be submitted on or before the 25th day of the month immediately following the last month of each calendar quarter.

(C) In the event Defendant does not cease its manufacturing by November 30, 1985 then with the exception of payment of any outstanding penalties, when the Defendant has achieved and maintained compliance with all requirements of this consent decree, for a period of two (2) years the Plaintiff agrees to move the Court to terminate this judgment.

6. The Defendant shall pay a civil penalty in the amount of \$22,500 with respect to and which constitutes satisfaction of its violations of RCRA, the regulations, the Consent Agreement and Final Compliance Order as set forth in the complaint herein and for any and all alleged RCRA violations arising out of an EPA inspection of the Brooklyn facility conducted on January 3, 1985. The Defendant shall within thirty (30) days after the date of entry of this consent decree, tender to the United States Attorney, Eastern District of New York, a certified or cashiers check in said sum payable to the "Treasurer of the United States."

7. (A) The Plaintiff does not, by its consent to the entry of this decree, warrant or aver in any manner that the Defendant's complete compliance with this decree, will constitute full compliance with the provisions of RCRA, or federally applicable, hazardous waste management regulations. The Defendant shall remain solely responsible for compliance with the terms of this decree and applicable requirements of RCRA.

(B) The Plaintiff does not waive any rights or remedies available to it, for any violation by the Defendant, of Federal or State laws, regulations or permit conditions following lodging of this decree. Nor does this consent decree in any way affect or relieve the Defendant of responsibility to comply with or liability under any Federal, State or local laws or regulations.

8. Until termination of the provisions of this consent decree, EPA and its contractors and consultants, attorneys for the United States and authorized representatives shall have authority to enter the facility covered by this decree, at all times, upon proper presentation of credentials to the appropriate employee of Defendant at the facility, for the purpose of:

1. monitoring the progress of activity required by this decree, and
2. verifying any data or information submitted to EPA in accordance with the terms of this decree, and
3. inspecting the facility, and
4. obtaining samples.

This provision in no way limits or otherwise affects any right of entry held by the Plaintiff pursuant to applicable Federal or State laws, regulations, or permits.

9. This consent decree is not and shall not be interpreted to be a permit, or a modification of a permit issued pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, nor shall it in any way relieve the Defendant of its obligation to secure a permit and comply with the requirements of any other Federal or State law or regulation. Any new permit, or modification of existing permits, must be complied with in accordance with applicable Federal and State laws and regulations.

10. This consent decree in no way affects the ability of the United States to bring an action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928 for any activities not specifically the subject matter of this decree.

11. This consent decree does not limit or affect the rights of the Defendant or of the United States with respect to those not a party to this decree nor the rights of third parties, not parties to this consent decree against Defendant.

12. Each party shall bear its own costs and attorneys fees in this action.

13. The parties agree and acknowledge that final approval by the United States and the entry of this decree are subject to the requirements of 28 CFR § 50.7.

14. The court shall retain jurisdiction to enforce the terms and conditions of this decree and to resolve disputes arising hereunder as may be necessary or appropriate for the construction or execution of this decree.

15. If Defendant accomplishes closure of its facility at 74 20th Street, Brooklyn, New York prior to November 30, 1985, Plaintiff agrees to move to terminate this consent decree, subject to payment of outstanding penalties.

AGREED:

DEFENDANT

PLAINTIFF UNITED STATES OF AMERICA

*James G. Gwathmey*  
GAINES GWATHMEY, III  
Beveridge & Diamond

Attorney for Defendant

*John P. Liso*  
PRESIDENT, P.L.C.

ENTERPRISES, INC. and its

*division, The Debevoise Company*

*F. Henry Habicht II*  
F. HENRY HABICHT II

Assistant Attorney General  
Land and Natural Resources Division  
U.S. Department of Justice  
Washington, D.C. 20530

RAYMOND J. DEARIE  
United States Attorney  
Eastern District of New York

BY:

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THOMAS BATTISTONI  
Assistant United States Attorney  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

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CLIFFORD F. GRIGGS, Attorney  
Environmental Enforcement Section  
Land and Natural Resources Division  
U.S. Department of Justice  
Washington, D.C. 20530

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COURTNEY M. PRICE  
Assistant Administrator for Enforcement Compliance and Monitoring  
U.S. Environmental Protection Agency  
Washington, D.C. 20460

OF COUNSEL:

CAROL A. CASAZZA  
Regional Counsel's Office  
U.S. Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10278

IT IS SO ORDERED

DATED THIS \_\_\_\_ day of \_\_\_\_\_, 1985

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UNITED STATES DISTRICT JUDGE

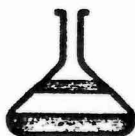
CONTINGENCY PLAN

APPENDIX A

8/20  
NEW YORK DIVISIONS  
CHEESMAN/DEBEVOISE COMPANY  
CLOVER LEAF PAINT & VARNISH  
(212) 965-2700  
74 20th STREET  
BROOKLYN, NEW YORK  
11232

CABLE ADDRESS: DECOPAINT, NEW YORK

Ref: S-9969



## Seagrave Coatings Corporation

August 15, 1985

Mr. Paul G. Ingrisano  
Environmental Engineer  
Compliance and Enforcement Section  
United States Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10278

Dear Mr. Ingrisano:

As per our telephone conversation this date, attached you will find the revised pages, reference #S-9371R, #S-9375R, #S-9380R, with the additional information you requested.

I am pleased that the Contingency Plan, with these revisions, now meets with your approval.

I want to thank you for your cooperation in helping to bring this matter to a satisfactory conclusion.

Very truly yours,

THE DEBEVOISE COMPANY

  
ALAN A. GERSOFF

President

AAG:jm  
Enc.: #S-9271R, #S-9375R (2),  
#S-9380R Sheets  
CC: Mr. Gaines Gwathmey, III  
Mr. Moe Kirschen



## THE DEBEVOISE COMPANY

June 25, 1985

FIRE PREVENTION AND HOUSEKEEPING PLAN FOR EMPLOYEES

Fire Department regulations dictate that all employees be aware of procedures necessary for fire prevention in our plant. All employees will please note the following:

1. All waste dirty wipers saturated with paint or solvent are removed from the plant weekly and picked up by Uniform Rental to be cleaned and replaced. Uniform Rental stated rags are treated and cleaned within EPA Regulations.
2. Any spills must be thoroughly cleaned up and not left leaving their tell-tale marks on sidewalks or in-plant floor surfaces.  
ABSORBANTS: Located throughout the plant. Dropped on spills to contain. Shovel and broom are necessarily available to immediately clean area and dispose of absorbant and spillage in yellow container expressly earmarked to contain any quantity, including a possible leaking 55-gallon drum. Shovel and broom cleaned with solvents and dirty solvent disposed of in hazardous liquid waste.
3. Smoking is permitted in the men's locker room or outside on the 20th or 21st Streets and not in the interior work area or backyard areas or driveway areas.
4. Pigment bags are not hazardous waste material. Accumulation of any paper bags from pigments, must be removed by the mill men to the garbage collection scow, in the yard, immediately upon completion of charging the mill. This is not a duty of the porter.
5. All equipment is properly grounded using the necessary wire ground clamps (attached to portable pots). Whenever ignitable waste is being poured into or emptied from drum, it should be grounded with wire clamps.
6. Any combustible products, such as pallets, when not in use, should be returned immediately to the pallet storage area in the yard.
7. All 55-gallon drums and other size containers containing wash solvent, vehicles, additives, etc., should be covered with proper metal covers after liquid is withdrawn from same.
8. All exit doors are to be kept cleared to permit safety emergency evacuation of employees.
9. All padlocks should be opened in the morning to permit use of all exit doors in the event of an emergency.
10. All employees should be familiar with the operation of all types of fire extinguishers in the plant and note their locations (behind painted red areas on post in the plant).
11. Make sure that all fire extinguishers reflect the proper charge dates and arrange to have any discharge fire extinguisher sent out for immediate re-charge.
12. Before placing any containers in hazardous waste area, supervisor must be consulted for proper labeling and markings. (See attached plan). All hazardous waste material will be labeled and dated immediately and then stored in designated area as per site plan. This is the Hazardous Waste Area.

## THE DEBEVOISE COMPANY

June 25, 1985

TRAINING PROGRAM

The following individuals conducted training programs to acquaint all personnel with emergency action plan (for fire and other emergencies), evacuation plan, training program, fire prevention and housekeeping plan, and a preparedness plan for fire or other emergencies, as set forth herein.

J O B   T I T L E ,   D E S C R I P T I O N   A N D   P E R S O NDIRECTOR OF COMPLIANCE:

OVERALL SUPERVISION AND RESPONSIBILITY FOR ALL REQUIREMENTS PER GOVERNMENTAL REGULATORY AGENCIES, INCLUDING FILING AND NOTIFICATION.

ALAN A. GERSOFF

SUPERVISOR OF HAZARDOUS WASTE:

CHARGE OF TRAINING. ACCUMULATION INSPECTION AND COMPLIANCE WITH REGULATIONS REGARDING STORAGE AND DISPOSAL OF HAZARDOUS WASTE.

PHILIP VALENTI

MAINTENANCE SUPERVISOR: BERNARD GREEN

CHARGE OF INSPECTION AND MAINTENANCE OF SAFETY EQUIPMENT, I.E., FIRE EXTINGUISHERS, SPRINKLER SYSTEM, ETC. FORK LIFT OPERATOR.

JOSE CRUZ - HAZARDOUS WASTE EQUIPMENT COORDINATOR

DAVID DELOATH - PERSON WHO HANDLES HAZARDOUS WASTE - LIQUID OR SOLID - AND RESPONSIBLE FOR CONTAINING, LABELING AND STORAGE.

RALPH DIAZ - VAT CLEANERS

VINCENT HAMMOND - CLEAN VATS AND RESIDUE - PUT IN LIQUID HAZARDOUS WASTE DRUMS UNDER SUPERVISION OF PHIL VALENTI AND DAVID DELOATCH.

THE DEBEVOISE COMPANY

June 25, 1985

E.P.A. HAZARDOUS WASTE  
MANAGEMENT TRAINING PROGRAM  
FOR FLOOR MEN,  
FORK LIFT OPERATOR, AND GROUP LEADERS

I. OPERATIONS AND INSPECTIONS:

- A. Use solvents with great care. Dispose of spent solvents in drums labeled as "Hazardous Waste" and dated as of first accumulation. Insure Hazardous Waste Drum is properly closed. Insure that drum is labeled in accordance with E.P.A. and D.O.T. regulations; and stored in designated hazardous waste storage area. Consult supervisor if any questions. Specific instructions in,
  1. procedures for inspecting, repairing and maintaining monitoring equipment and emergency equipment;
  2. communications and alarm systems;
  3. response to fire and explosion, including automatic foam equipment;
  4. response to groundwater contamination incidents (there are none);
  5. emergency shutdown of operations, monitoring for pressure build-ups, leaks and equipment failures.
- B. Look for spills and leaks, and see that hazardous waste is separated. Insure that all spills are remedied in accordance with contingency plan.
- C. General observations, when work begins and at end of each work period including lunch break and end of work day.
- D. Log Book: Make daily entry of any problems you may observe.
- E. Record numbers of drums at beginning and end of work day. Place date on each drum. Description on drum i.e. "Wash Solvent".

II. JOB TITLES:

- A. Plant Superintendent; Section Foreman
- B. Weekly meetings with Technical Director, Ahmed El-Eskandrani. Discuss how to recognize types of waste. Indicate how to segregate and handle. Precautions to avoid spills. If spills do occur - - how to handle.

THE DEBEVOISE COMPANY

June 25, 1985

360.8 (c)(2) (11):

(11) REQUIRED  
EQUIPMENT

ANY SMALL FIRE IS RESPONDED TO IMMEDIATELY BY FIRE CREW WITH FIRE EXTINGUISHERS. FIRE DEPARTMENT IS NOTIFIED IMMEDIATELY AND EVACUATION, AS OUTLINED PREVIOUSLY, IS CARRIED OUT AS PER S-9369.

WE HAVE IN-PLANT FIRE EXTINGUISHERS AS INDICATED IN SITE DIAGRAM.

BELL ALARM SYSTEM AND INTER-COM P.A. FIRE ALARM SYSTEM.

ANY RELEASE OF HAZARDOUS WASTE WILL BE RESPONDED TO IN ACCORDANCE WITH S-9372, PER PREPAREDNESS FOR FIRE, ETC.

SPILL CONTROL EQUIPMENT, I.E., ABSORBANTS, SHOVELS, BROOM, SAND AND LARGE SALVAGE DRUM TO ACCOMMODATE LEAKING DRUM.

360.8 (c):

OTHER THAN THE ATTACHED ACKNOWLEDGEMENTS OF THE CONTINGENCY PREPAREDNESS AND PREVENTION PLAN BY INDIVIDUAL AGENCIES, THERE IS NO WRITTEN AGREEMENT OF SPECIFIC PROCEDURES. THEY WILL RESPOND IN NORMAL FASHION AS THEY WOULD IN ANY EMERGENCY, INASMUCH AS THIS IS THEIR DUTY AND OBLIGATION.

360.8 (d):

PHIL VALENTI, PLANT SUPERVISOR - EMERGENCY COORDINATOR  
1940 HARMAN STREET  
RIDGEWOOD, NEW YORK 11237  
TELEPHONE NUMBER: (718) 497 - 4678

ALAN A. GERSOFF, PRESIDENT - FIRST-ALTERNATE  
2236 SMITH STREET  
MERRICK, NEW YORK 11566  
TELEPHONE NUMBER: (516) 378 - 3997

VINCENT CORRADO, OFFICE MANAGER - SECOND ALTERNATE  
277 WEST END AVENUE  
MASSAPEQUA, NEW YORK 11758  
TELEPHONE NUMBER: (516) 799 - 0582

NEW YORK DIVISIONS  
CHEESMAN/DEBEVOISE COMPANY  
CLOVER LEAF PAINT & VARNISH  
(212) 965-2700  
74 20th STREET  
BROOKLYN, NEW YORK  
11232

CABLE ADDRESS DECOPAINT, NEW YORK

Ref: S-9838



## Seagrave Coatings Corporation

June 25, 1985

Mr. Paul G. Ingrisano  
Environmental Engineer  
Compliance and Enforcement Section  
United States Environmental Protection Agency  
Region II  
26 Federal Plaza  
New York, New York 10278

Dear Mr. Ingrisano:

Regarding your correspondence of May 20, 1985, the violations you refer to have all been corrected, as stated in my March 6th letter.

I herewith re-submit the plans originally presented for your approval on March 6th with the additional information you requested.

I trust we have satisfactorily complied with your requirements and that the enclosed data meets with your approval.

Very truly yours,

THE DEBEVOISE COMPANY

AAG:jm

Enc.: S-9369R, S-9370R,  
S-9371R, Site Plan, S-9372R,  
Fire Prevention Forms (2),  
S-9375R (3 Pages), S-9376R,  
S-9377R, S-9378R, S-9380R "A",  
S-9380, S-9381, Ltr. Methodist  
Hospital (3/13/85) with S-9382,  
S-9383 and #S-9384

CC: Mr. Gaines Gwathmey, III  
Attorney at Law

Certified: Return Receipt Requested

ALAN A. GERSOFF

President

## THE DEBEVOISE COMPANY

June 25, 1985

EMERGENCY ACTION PLAN (FOR FIRE AND OTHER EMERGENCIES)

All employees should note the emergency escape routes and doors to their work areas. In the event of a fire, an alarm horn will sound indicating immediate evacuation of the plant.

Evacuation fire wardens, Phil Valenti and Marion Myers, will coordinate emergency evacuation procedures:

- A. Sound alarm - Fire Wardens
- B. Alert telephone operator to call Fire Department to report fire.
- C. Direct fire crew members attempting to dispose of fire - Fire Wardens  
CHIEF: Phil Valenti  
ALTERNATE: Marion Myers  
CREW: Al Ortloff  
Jose Cruz  
Carlos Navarro  
Joe Colon
- D. Alert all remaining employees to leave plant by fire emergency exits.
- E. Assign certain individuals to account for all employees after emergency evacuation has been completed - Vincent Corrado, Alan Gersoff, Phil Valenti.
- F. Assign rescue medical duties to those employees who are to perform them. We can only perform first aid and provide transportation to local hospital. The following employees will be the crew for this purpose:

Alan Gersoff  
Vincent Corrado  
Phil Valenti

EVACUATION PLANOFFICE:

Vincent Corrado will lead office staff to Fire Exit, E-1.  
Ronnie Stachelski will check kitchen area and ladies room.  
Alan Gersoff will check the men's room and "bring up rear",  
checking to make sure all are evacuated.

If E-1 is not accessible, then E-2 is an alternate. A drill has been performed to acquaint staff with the procedure and alternate.

LABORATORY:

Ahmed El-Eskandrani will act in command and use E-2 as primary, Exit E-1 as alternate.

FACTORY:

Phil Valenti and Marion Myers will direct factory staff to nearest accessible fire exit.

THE DEBEVOISE COMPANY

June 25, 1985

DEBEVOISE PLANT EMERGENCY ORGANIZATION

FIRE CHIEF:	PHIL VALENTI
ALTERNATE:	MARION MYERS
DEPARTMENT CHIEFS:	
MANUFACTURING:	PHIL VALENTI
SHIPPING:	JOHN McCORMICK
LABORATORY:	AHMED EL-ESKANDRANI
COLOR	AL ORTLOFF MARION MYERS
OFFICE:	ALAN GERSOFF VINCENT CORRADO

THE SIGNAL FOR SUMMONING THE EMERGENCY ORGANIZATION IS THE HORN AND P. A. SYSTEM. MAN IN CHARGE OF DEPARTMENT AT TIME OF FIRE OR EMERGENCY IS RESPONSIBLE FOR SEEING THAT THE ALARM IS SOUNDED.

THE MEANS FOR SUMMONING THE PUBLIC FIRE DEPARTMENT IS THE TELEPHONE AND THE FIRE DEPARTMENT RED ALARM BOX.

## THE DEBEVOISE COMPANY

June 25, 1985

FIRE PREVENTION AND HOUSEKEEPING PLAN FOR EMPLOYEES

Fire Department regulations dictate that all employees be aware of procedures necessary for fire prevention in our plant. All employees will please note the following:

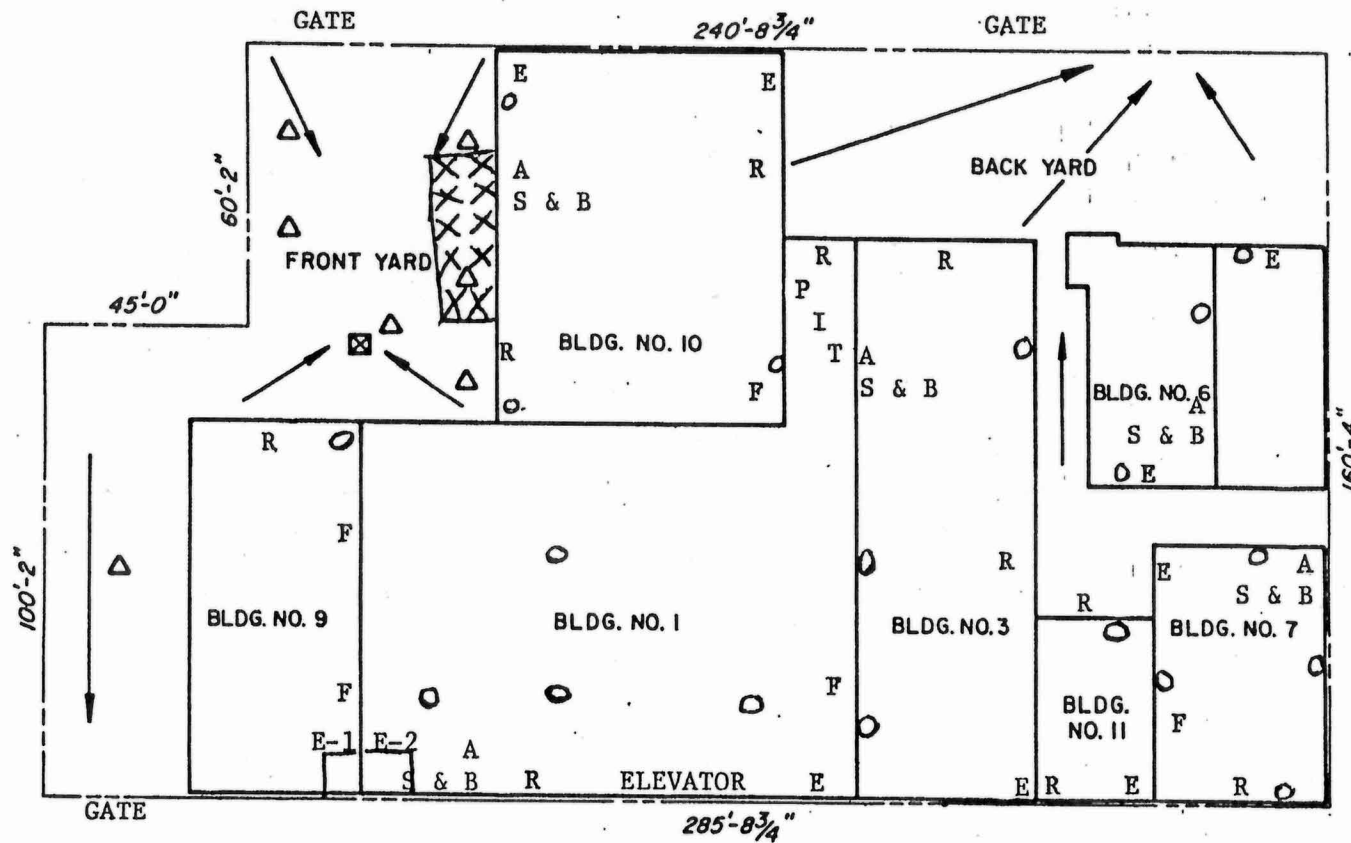
1. All waste dirty wipers saturated with paint or solvent are removed from the plant weekly and picked up by Uniform Rental to be cleaned and replaced. Uniform Rental stated rags are treated and cleaned within EPA Regulations.
2. Any spills must be thoroughly cleaned up and not left leaving their tell-tale marks on sidewalks or in-plant floor surfaces.

ABSORBANTS: Located throughout the plant. Dropped on spills to contain. Shovel and broom are necessarily available to immediately clean area and dispose of absorbant and spillage in yellow container expressly earmarked to contain any quantity, including a possible leaking 55-gallon drum. Shovel and broom cleaned with solvents and dirty solvent disposed of in hazardous liquid waste.

3. Smoking is permitted in the men's locker room or outside on the 20th or 21st Streets and not in the interior work area or backyard areas or driveway areas.
4. Pigment bags are not hazardous waste material. Accumulation of any paper bags from pigments, must be removed by the mill men to the garbage collection scow, in the yard, immediately upon completion of charging the mill. This is not a duty of the porter.
5. All equipment is properly grounded using the necessary wire ground clamps (attached to portable pots).
6. Any combustible products, such as pallets, when not in use, should be returned immediately to the pallet storage area in the yard.
7. All 55-gallon drums and other size containers containing wash solvent, vehicles, additives, etc., should be covered with proper metal covers after liquid is withdrawn from same.
8. All exit doors are to be kept cleared to permit safety emergency evacuation of employees.
9. All padlocks should be opened in the morning to permit use of all exit doors in the event of an emergency.
10. All employees should be familiar with the operation of all types of fire extinguishers in the plant and note their locations (behind painted red areas on post in the plant).
11. Make sure that all fire extinguishers reflect the proper charge dates and arrange to have any discharge fire extinguisher sent out for immediate re-charge.
12. Before placing any containers in hazardous waste area, supervisor must be consulted for proper labeling and markings. (See attached plan) All hazardous waste material will be labeled and dated and immediately stored in designated area as per site plan. This is the Hazardous Waste area.



SITE PLAN FOR ITEM 12  
AND WHEREVER APPLICABLE



CURB LINE

20TH STREET

LEGEND

- DIRECTION OF SITE DRAINAGE
- △ SOIL SAMPLING LOCATIONS
- ⊠ STORM DRAIN

- "E" = EXIT DOORS
- "R" = ROLL DOWN DOORS
- "F" = FIRE DOORS
- "O" = FIRE EXTINGUISHERS
- "X" = HAZARDOUS WASTE STORAGE AREA
- "A" = ABSORBANTS
- "S" & "B" = SHOVEL AND BROOM

FIGURE 2

DEBEVOISE COMPANY  
BROOKLYN, NEW YORK

SITE PLAN FOR CLOSURE

JANUARY, 1985

Elson T. Killam Associates, Inc.  
Environmental and Hydraulic Engineers  
27 Bleeker Street Millburn, New Jersey 07041



BLOCK NO. 639 LOTS 10 & 72

## THE DEBEVOISE COMPANY

June 25, 1985

PREPAREDNESS FOR FIRE OR OTHER EMERGENCIESFIRE EXTINGUISHERS:

Located in various areas of all buildings in plant. All factory personnel are trained and capable of operating said extinguishers. This applies to lab personnel. See attached site plan for location of fire extinguishers.

ABSORBANTS:

Located throughout the plant. Dropped on spills to contain. Shovel and broom are necessarily available to immediately clean area and dispose of absorbant and spillage in yellow container expressly earmarked to contain any quantity, including a possible leading 55-gallon drum. Shovel and broom are cleaned with solvents and the dirty solvent is disposed of in hazardous liquid waste.

DECONTAMINATION EQUIPMENT:

Regular showers and a flush shower are available for emergencies where an employee might be covered with solvent. This will immediately cascade a drenching shower effect of water. Eye wash stations are set up throughout the plant where employees may accidentally get foreign matter in his eye. These are used to flush and clean.

WEEKLY INSPECTIONS:

These inspections are made on Friday of each week and on Monday we have a luncheon meeting whereby we discuss our problems related to any problems. By this process we feel that we are constantly on top of any problem that may arise at any of the locations in the plant. In addition, during our meetings we go into detail whereby we update our foremen, plus our shipping head, to any changes that involve movement of hazardous waste through the City of New York, discussions involving proper manner of filling our Bills of Lading, Manifests, etc.

THIS IS COMPLETED EVERY WEEK BY AUTHORIZED PERSONNEL

# FIRE PREVENTION INSPECTION



WEEK OF \_\_\_\_\_ TO \_\_\_\_\_ 19\_\_

INSTRUCTIONS TO INSPECTOR: FILL OUT FORM WHILE MAKING INSPECTION. SEND COMPLETED FORM TO YOUR SUPERVISOR FOR NECESSARY ACTION. REPORT SHOULD BE HELD FOR REVIEW BY THE NEXT FACTORY MUTUAL ENGINEER.

PLANT _____	LOCATION _____	DATE _____
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**VALVE INSPECTIONS**  
 PHYSICALLY TRY LOCKED VALVES AT LEAST MONTHLY AND UNLOCKED VALVES WEEKLY. IN ADDITION VISUALLY INSPECT ALL LOCKED VALVES WEEKLY. RECORD BOTH WEEKLY AND MONTHLY INSPECTIONS.

ALL INSIDE AND OUTSIDE VALVES CONTROLLING SPRINKLERS OR FIRE PROTECTION WATER SUPPLIES ARE LISTED BELOW. CHECK CONDITION OF VALVE AS FOUND. PHYSICALLY "TRY" GATE VALVES INCLUDING NONINDICATING AND INDICATOR POST GATE VALVES. DO NOT REPORT A VALVE OPEN UNLESS YOU PERSONALLY HAVE TRIED IT. FM APPROVED PIVA'S (POST-INDICATOR-VALVE ASSEMBLIES), IBV'S (INDICATING BUTTERFLY VALVES) AND STANDARD OUTSIDE SCREW & YOKE VALVES DO NOT HAVE TO BE TRIED BUT SHOULD BE VISUALLY CHECKED AT CLOSE RANGE.

NO.	VALVE LOCATION	AREA CONTROLLED	OPEN	SHUT	LOCKED	SEAL
1	BUILDING #1	BUILDINGS #9, #1, #3				
2	WAREHOUSE	WAREHOUSE				
3	BUILDING #7	BUILDING #7				
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

THE FACTORY MUTUAL RED TAG ALERT SYSTEM IS USED TO GUARD AGAINST DELAYED REOPENING OF VALVES. FACTORY MUTUAL RED TAGS SHOULD BE USED EVERY TIME A SPRINKLER CONTROL VALVE IS CLOSED. WHEN THE VALVE IS REOPENED THE 2 INCH DRAIN SHOULD BE FLOWED WIDE OPEN TO BE SURE THERE IS NO OBSTRUCTION IN THE PIPING. THE VALVE SHOULD THEN BE RELOCKED.

WERE ANY VALVES OPERATED SINCE THE LAST INSPECTION	<input type="checkbox"/> Yes	<input type="checkbox"/> No
WERE FACTORY MUTUAL RED TAGS USED	<input type="checkbox"/> Yes	<input type="checkbox"/> No
WAS THE VALVE REOPENED FULLY AND A FULL FLOW 2 IN. DRAIN TEST MADE BEFORE THE VALVE WAS RELOCKED OR RESEALED	<input type="checkbox"/> Yes	<input type="checkbox"/> No

COMMENTS:

WEEKLY FIRE PREVENTION INSPECTION

THE DEBEVOISE COMPANY

BROOKLYN, NEW YORK

DATE: \_\_\_\_\_ 19\_\_

INSPECTOR: FILL OUT FORM WHILE MAKING INSPECTION.

SPRINKLERS: ANY HEADS DISCONNECTED OR NEEDED YES..... NO.....  
 OBSTRUCTED BY HIGH PILING YES..... NO.....  
 HEAT ADEQUATE TO PREVENT FREEZING YES..... NO.....  
 WATER PRESSURE AT MAIN BUILDING LBS.....  
 WATER PRESSURE AT WAREHOUSE LBS.....  
 ARE VALVES LOCKED OPEN?  
 MAIN BUILDING #1 YES..... NO.....  
 WAREHOUSE BUILDING YES..... NO.....  
 METER PIT (@ VALVES) #1 YES..... NO.....  
 BUILDING #7  
 IS ALARM IN OPERATION? CALL AFA PROTECTIVE  
 SYSTEMS ONCE A MONTH TO CONFIRM (212) 279-5000 YES..... NO.....

EXTINGUISHERS: CHARGED YES..... NO.....  
 ANY MISSING YES..... NO.....  
 ACCESSIBILITY VERY IMPORTANT YES..... NO.....

GENERAL ORDER AND NEATNESS: YES..... NO.....  
 FIRE DOORS CLEAR AND WORKING YES..... NO.....  
 CONTAINERS OF FLAMMABLE LIQUIDS CLOSED YES..... NO.....  
 SOILED RAGS IN SAFETY CANS YES..... NO.....  
 ELECTRICAL EQUIPMENT IN GOOD ORDER YES..... NO.....  
 ACCESSIBILITY TO WORK AREA YES..... NO.....  
 ACCESSIBILITY TO EXIT DOORS YES..... NO.....  
 ACCESSIBILITY TO SWITCHES ON MACHINES YES..... NO.....

SOLVENT FUMES: STRONG..... MILD.....  
 IF STRONG, CHECK WITH METER: COMMENT.....  
 .....  
 ARE EXHAUST FANS ON? YES..... NO.....

NO SMOKING REGULATIONS ARE IN FORCE YES..... NO.....

COMMENTS, IF ANY: .....  
 .....  
 .....  
 .....  
 .....

INSPECTOR: .....

THE DEBEVOISE COMPANY

June 25, 1985

E.P.A. HAZARDOUS WASTE  
MANAGEMENT TRAINING PROGRAM  
FOR FLOOR MEN,  
FORK LIFT OPERATOR, AND GROUP LEADERS

I. OPERATIONS AND INSPECTIONS:

- A. Use solvents with great care. Dispose of spent solvents in drums labeled as "Hazardous Waste" and dated as of first accumulation. Insure Hazardous Waste Drum is properly closed. Insure that drum is labeled in accordance with E.P.A. and D.O.T. regulations; and stored in designated hazardous waste storage area. Consult supervisor if any questions. Specific instructions in,
  - 1. procedures for inspecting, repairing and maintaining monitoring equipment and emergency equipment;
  - 2. communications and alarm systems;
  - 3. response to fire and explosion, including automatic foam equipment;
  - 4. response to groundwater contamination incidents (there are none);
  - 5. emergency shutdown of operations, monitoring for pressure build-ups, leaks and equipment failures.
- B. Look for spills and leaks, and see that hazardous waste is separated. Insure that all spills are remedied in accordance with contingency plan.
- C. General observations, when work begins and at end of each work period including lunch break and end of work day.
- D. Log Book: Make daily entry of any problems you may observe.
- E. Record numbers of drums at beginning and end of work day. Place date on each drum. Description on drum i.e. "Wash Solvent".

II. JOB TITLES:

- A. Plant Superintendent; Section Foreman
- B. Weekly meetings with Technical Director. Discuss how to recognize types of waste. Indicate how to segregate and handle. Precautions to avoid spills. If spills do occur -- how to handle.

THE DEBEVOISE COMPANY

June 25, 1985

TRAINING PROGRAM

The following individuals conducted training programs to acquaint all personnel with emergency action plan (for fire and other emergencies), evacuation plan, training program, fire prevention and housekeeping plan, and a preparedness plan for fire or other emergencies, as set forth herein.

J O B   T I T L E,   D E S C R I P T I O N   A N D   P E R S O N

DIRECTOR OF COMPLIANCE:

OVERALL SUPERVISION AND RESPONSIBILITY FOR ALL REQUIREMENTS PER GOVERNMENTAL REGULATORY AGENCIES, INCLUDING FILING AND NOTIFICATION.

ALAN A. GERSOFF

SUPERVISOR OF HAZARDOUS WASTE:

CHARGE OF TRAINING. ACCUMULATION INSPECTION AND COMPLIANCE WITH REGULATIONS REGARDING STORAGE AND DISPOSAL OF HAZARDOUS WASTE.

PHILIP VALENTI

MAINTENANCE SUPERVISOR:

CHARGE OF INSPECTION AND MAINTENANCE OF SAFETY EQUIPMENT, I.E., FIRE EXTINGUISHERS, SPRINKLER SYSTEM, ETC. FORK LIFT OPERATOR.

JOSE CRUZ - HAZARDOUS WASTE EQUIPMENT COORDINATOR

DAVID DELOATH - PERSON WHO HANDLES HAZARDOUS WASTE - LIQUID OR SOLID - AND RESPONSIBLE FOR CONTAINING, LABELING AND STORAGE.

RALPH DIAZ - VAT CLEANERS

VINCENT HAMMOND - CLEAN VATS AND RESIDUE - PUT IN LIQUID HAZARDOUS WASTE DRUMS UNDER SUPERVISION OF PHIL VALENTI AND DAVID DELOATCH.

THE DEBEVOISE COMPANY

Page - 2 -

June 25, 1985

III. EMERGENCY PROGRAM:

- A. Familiarize yourself with "Preparedness for Fire and Other Emergencies" Plan, Fire Prevention Inspection Forms and Emergency Action Plan.
- B. Signs
  - 1. KEEP OUT - HAZARDOUS WASTE
  - 2. NO SMOKING
  - 3. DANGER
- C. Alarms; Fire Extinguishers; Evacuation Plans
- D. Communicate with Fire Department and Police.
- E. Copy of Plan with Fire and Police and names and phone numbers of Personnel to be reached.

IV. Additional training programs will be given at least annually.

THE DEBEVOISE COMPANY

June 25, 1985

TRAINING PROGRAM

ADDITIONAL JOB FUNCTIONS

ALAN A. GERSOFF:

OVERSEES COMPLIANCE WITH PROVISIONS OF RCRA.

PHIL VALENTI:

CONDUCTS ON-JOB TRAINING IN COMPLIANCE WITH RCRA. WEEKLY FIRE INSPECTIONS AND INSURES PROPER PLACARDING AND LABELING OF ALL MATERIALS. COMPLETES MANIFESTS IN COMPLIANCE WITH RCRA.

JOSE CRUZ:

INSURES THAT EQUIPMENT IS SERVICEABLE AND AVAILABLE FOR USE.



THE DEBEVOISE COMPANY

June 25, 1985

TRAINING PROGRAM

JOB CATEGORY

SUPERVISOR OF HAZARDOUS WASTE AND MATERIAL: SIX MONTHS ON-JOB TRAINING

EQUIPMENT MANAGER: ONE MONTH ON-JOB TRAINING

DIRECTOR OF HAZARDOUS WASTE AND MATERIAL: ONE MONTH ON-JOB TRAINING

REQUIREMENTS:

ABILITY TO UNDERSTAND AND IMPLEMENT PROCEDURES RELATING TO HAZARDOUS WASTE MANAGEMENT AND RELATED TRAINING PROGRAMS.

THE DEBEVOISE COMPANY

June 25, 1985

TRAINING PROGRAM

TRAINING RECORD OF PERSONNEL

ALAN GERSOFF: JOINED BROOKLYN FACILITY (THE DEBEVOISE COMPANY)  
FEBRUARY 1973

DATE OF ON-THE-JOB TRAINING  
MARCH 1973

PHILIP VALENTI: JOINED THE DEBEVOISE COMPANY IN APRIL 1977

DATE OF ON-THE-JOB TRAINING  
MAY 1977

JOSE CRUZ: JOINED THE DEBEVOISE COMPANY IN MAY 1978

DATE OF ON-THE-JOB TRAINING  
JUNE 1978

ALAN GERSOFF AND PHIL VALENTI: CONDUCTED TRAINING PROGRAM.  
HAVE READ ALL NEW YORK STATE AND FEDERAL REGULATIONS PERTINENT TO ENVIRONMENTAL  
PROTECTION AGENCY PROCEDURES AND REGULATIONS.

HAVE CONSULTED WITH GAINES GWATHMEY, III OF BEVERIDGE AND DIAMOND.

HAVE RETAINED E. T. KILLIAN AS ENVIRONMENTAL CONSULTANTS.

THE FOLLOWING EMPLOYEES HAVE ALL BEEN INSTRUCTED AND PARTICIPATED IN TRAINING  
PROGRAMS:

*al Orloff* *Vincent Hammond* *Marion Myers*  
*Robert Weiss* *T. Catanzaro*  
*John Allen* *Rafael D. Z...*  
*Barrington Leslie* *D. Sabatello*  
*GEORGE CRIDDELL* *Joe Corbin*  
*Carlos Navarro* *John Corbin*  
*Patsy A. Teleschi* *Pedro Remez*  
*Robert D. Smalls* *Sanford Lee Teer*

I HAVE BEEN INFORMED THAT PRIOR PRESIDENT HAD MADE EVERY EFFORT TO COMPLY WITH  
APPLICABLE TRAINING REQUIREMENTS.

THE DEBEVOISE COMPANY

June 25, 1985

360.8 (b): ANY SMALL FIRE IS RESPONDED TO IMMEDIATELY BY FIRE CREW WITH FIRE EXTINGUISHERS. FIRE DEPARTMENT IS NOTIFIED IMMEDIATELY AND EVACUATION, AS OUTLINED PREVIOUSLY, IS CARRIED OUT AS PER S-9369.

WE HAVE IN-PLANT FIRE EXTINGUISHERS AS INDICATED IN SITE DIAGRAM.

BELL ALARM SYSTEM AND INTER-COM P.A. FIRE ALARM SYSTEM.

ANY RELEASE OF HAZARDOUS WASTE WILL BE RESPONDED TO IN ACCORDANCE WITH S-9372, PER PREPAREDNESS FOR FIRE, ETC.

SPILL CONTROL EQUIPMENT, I.E., ABSORBANTS, SHOVELS, BROOM, SAND AND LARGE SALVAGE DRUM TO ACCOMMODATE LEAKING DRUM.

360.8 (c): OTHER THAN THE ATTACHED ACKNOWLEDGEMENTS OF THE CONTINGENCY PREPAREDNESS AND PREVENTION PLAN BY INDIVIDUAL AGENCIES, THERE IS NO WRITTEN AGREEMENT OF SPECIFIC PROCEDURES. THEY WILL RESPOND IN NORMAL FASHION AS THEY WOULD IN ANY EMERGENCY, INASMUCH AS THIS IS THEIR DUTY AND OBLIGATION.

360.8 (d): PHIL VALENTI, PLANT SUPERVISOR - EMERGENCY COORDINATOR  
1940 HARMAN STREET  
RIDGEWOOD, NEW YORK 11237  
TELEPHONE NUMBER: (718) 497 - 4678

ALAN A. GERSOFF, PRESIDENT - FIRST ALTERNATE  
2236 SMITH STREET  
MERRICK, NEW YORK 11566  
TELEPHONE NUMBER: (516) 378 - 3997

VINCENT CORRADO, OFFICE MANAGER - SECOND ALTERNATE  
277 WEST END AVENUE  
MASSAPEQUA, NEW YORK 11758  
TELEPHONE NUMBER: (516) 799 - 0582

NEW YORK DIVISIONS  
CHEESMAN/DEBEVOISE COMPANY  
CLOVER LEAF PAINT & VARNISH

(212) 965-2700

74 20th STREET  
BROOKLYN, NEW YORK  
11232

CABLE ADDRESS DECOPAINT, NEW YORK

Ref: #S-9380



## Seagrave Coatings Corporation

March 6, 1985

Captain Charles Beehn  
New York City Police Department  
72nd Precinct  
830 Fourth Avenue  
Brooklyn, New York 11232

Dear Captain Beehn:

As required by the United States Environmental Protection Agency, I herewith submit a copy of our Contingency Preparedness and Prevention Plan in case of fire or emergency for your files.

We would appreciate a written acknowledgement of same by returning the copy of this letter which I have enclosed for signature, together with a stamped, self-addressed envelope for your convenience.

It is hoped that your agency will cooperate when notified in case of fire or emergency.

We appreciate your assistance in this matter.

Very truly yours,

THE DEBEVOISE COMPANY

AG:jm

Enc.: #S-9369, #S-9370,  
#S-9371, #S-9372, #S-9375,  
#S-9376, #S-9377 and #S-9378,  
Fire Prevention Forms (2),  
Site Plan with Explanations

ALAN GERSOFF

President

ACKNOWLEDGED:

Capt Charles F. Beehn  
72ND PRECINCT

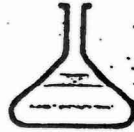
DATE:

3/8/85

NEW YORK DIVISION  
CHEESMAN/DEBEVOISE COMPANY  
CLOVER LEAF PAINT & VARNISH  
(212) 965-2700  
74 20th STREET  
BROOKLYN, NEW YORK  
11232

CABLE ADDRESS DECOPAINT, NEW YORK

Ref: #S-9381



## Seagrave Coatings Corporation

March 6, 1985

Lieutenant J. Ebert  
New York City Fire Department  
Ladder Company #122  
560 - 11th Street  
Brooklyn, New York 11232

Dear Lieutenant Ebert:

As required by the United States Environmental Protection Agency, I herewith submit a copy of our Contingency Preparedness and Prevention Plan in case of fire or emergency for your files.

We would appreciate a written acknowledgement of same by returning the copy of this letter which I have enclosed for signature, together with a stamped, self-addressed envelope for your convenience.

It is hoped that your agency will cooperate when notified in case of fire or emergency.

We appreciate your assistance in this matter.

Very truly yours,

THE DEBEVOISE COMPANY

AG:jm

ALAN GERSOFF

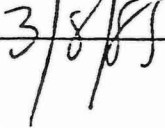
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#S-9371, #S-9372, #S-9375,  
#S-9376, #S-9377 and #S-9378,  
Fire Prevention Forms (2),  
Site Plan with Explanations

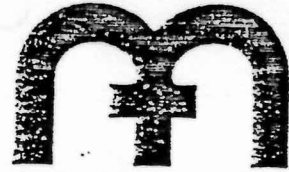
President

ACKNOWLEDGED:

  
LADDER COMPANY #122

DATE:





THE METHODIST  
HOSPITAL

OFFICE OF THE EXECUTIVE DIRECTOR

505 SIXTH STREET, BROOKLYN, N.Y. 11215/TEL: (718) 780-3101

March 13, 1985

Mr. Alan Gersoff  
President  
Seagrave Coatings Corporation  
72 20th Street  
Brooklyn, New York 11232

Dear Mr. Gersoff:

Forwarded to you with this letter is the copy of your letter of March 6, 1985 acknowledging receipt thereof.

As we discussed via telephone, I wish to have Stanley Neiman, M.D., Director of Ambulatory Care, The Methodist Hospital, contact you or Mr. Vincent Corrado at your office to discuss the specific hazardous substances in your plant which might, in the event of an emergency situation, create a need for medical care. This would assure that we are prepared to render you emergency services and possibly expedite such care if the situation does arise.

By copy of this letter I am requesting Dr. Neiman to contact you.

Very truly yours,

Don A. Rece  
Executive Director

km  
cc: Stanley Neiman, M.D.

RECEIVED MAR 15 1985

NEW YORK DIVISIONS  
CHEESMAN/DEBEVOISE COMPANY  
CLOVER LEAF PAINT & VARNISH

(212) 965-2700

74 20th STREET  
BROOKLYN, NEW YORK  
11232

CABLE ADDRESS. DECOPAINT, NEW YORK

Ref: #S-9382



## Seagrave Coatings Corporation

March 6, 1985

Director  
Executive Office  
Methodist Hospital of Brooklyn  
Sixth Street and Seventh Avenue  
Brooklyn, New York 11215

Dear Sirs:

As required by the United States Environmental Protection Agency, I herewith submit a copy of our Contingency Preparedness and Prevention Plan in case of fire or emergency for your files.

We would appreciate a written acknowledgement of same by returning the copy of this letter which I have enclosed for signature, together with a stamped, self-addressed envelope for your convenience.

It is hoped that your agency will cooperate when notified in case of fire or emergency.

We appreciate your assistance in this matter.

Very truly yours,

THE DEBEVOISE COMPANY

ALAN GERSOFF

President

AG:jm

Enc.: #S-9369, #S-9370,  
#S-9371, #S-9372, #S-9375,  
#S-9376, #S-9377 and #S-9378,  
Fire Prevention Forms (2);  
Site Plan with Explanations

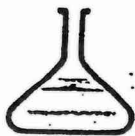
CHEESMAN/DEBEVOISE COMPANY  
CLOVER LEAF PAINT & VARNISH

(212) 965-2700

74 20th STREET  
BROOKLYN, NEW YORK  
11232

CABLE ADDRESS, DECOPAINT, NEW YORK

Ref: #S-9383



## Seagrave Coatings Corporation

March 6, 1985

RECEIVED MAR 27 1985

Ms. Stacey Morriates  
Director  
Hazardous Material Control Division  
New York City Department of Environmental Protection  
Bureau of Science and Technology  
51 Astor Place  
New York, New York 10003

Dear Ms. Morriates:

As required by the United States Environmental Protection Agency, I herewith submit a copy of our Contingency Preparedness and Prevention Plan in case of fire or emergency for your files.

We would appreciate a written acknowledgement of same by returning the copy of this letter which I have enclosed for signature, together with a stamped, self-addressed envelope for your convenience.

It is hoped that your agency will cooperate when notified in case of fire or emergency.

We appreciate your assistance in this matter.

Very truly yours,

THE DEBEVOISE COMPANY

ALAN GERSOFF

President

AG:jm

Enc.: #S-9369, #S-9370,  
#S-9371, #S-9372, #S-9375,  
#S-9376, #S-9377 and #S-9378,  
Fire Prevention Forms (2),  
Site Plan with Explanations

ACKNOWLEDGED:

*Stacey Morriates*  
MS. STACEY MORRIATES, DIRECTOR

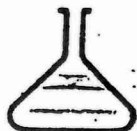
DATE: *3/24/85*



HEAD OFFICE  
CHEESMAN/DEBEVOISE COMPANY  
CLOVER LEAF PAINT & VARNISH  
(212) 965-2700  
74 20th STREET  
BROOKLYN, NEW YORK  
11232

CABLE ADDRESS DECOPAINT, NEW YORK

Ref: S-9384



## Seagrave Coatings Corporation

March 6, 1985

New York State  
Department of Environmental Conservation  
Post Office Box 15628  
Albany, New York 12212

Dear Sirs:

As required by the United States Environmental Protection Agency, I herewith submit a copy of our Contingency Preparedness and Prevention Plan in case of fire or emergency for your files.

We would appreciate a written acknowledgement of same by returning the copy of this letter which I have enclosed for signature, together with a stamped, self-addressed envelope for your convenience.

It is hoped that your agency will cooperate when notified in case of fire or emergency.

We appreciate your assistance in this matter.

Very truly yours,

THE DEBEVOISE COMPANY

ALAN GERSOFF

President

AG:jm

Enc.: #S-9369, #S-9370,  
#S-9371, #S-9372, #S-9375,  
#S-9376, #S-9377 and #S-9378,  
Fire Prevention Forms (2),  
Site Plan with Explanations

ACKNOWLEDGED:

DATE:

RECEIVED MAR 21 1985

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CLOSURE PLAN

APPENDIX B

4th copy  
rec'd 5-6-85

Elson T. Killam Associates, Inc.

---



RESOURCE CONSERVATION  
AND RECOVERY ACT  
SITE CLOSURE PLAN  
FOR  
DEBEVOISE PAINT

Prepared By:

Elson T. Killam Associates, Inc.

Prepared For:

Mr. Allen Gershof  
President  
Debevoise Paint

ELSON T. KILLAM ASSOCIATES, INC.  
27 Bleeker Street  
Millburn, New Jersey 07041



1. CLOSURE PLAN

This closure plan identifies all steps that will be necessary to close the facility known as Debevoise Paint which is located at 74 20th Street, Brooklyn, N.Y. as shown in Figure 1, and provides for a worst case cost estimate to account for remediation of any unforeseen spills. Preparation of this plan is in accordance with the requirements of the Resource Conservation and Recovery Act (RCRA) as shown in 40 CFR 264 and 265 and pursuant to the consent judgement in United States v. PLC Enterprises Inc. and its division the Debevoise Company, 84 CV 1044 (JW).

1.A CLOSURE PLAN PERFORMANCE STANDARD

This closure plan was designed to insure that the facility:

- . will not require further maintenance and controls
- . minimizes or eliminates threats to human health and the environment
- . avoids escape of hazardous waste or hazardous waste constituents

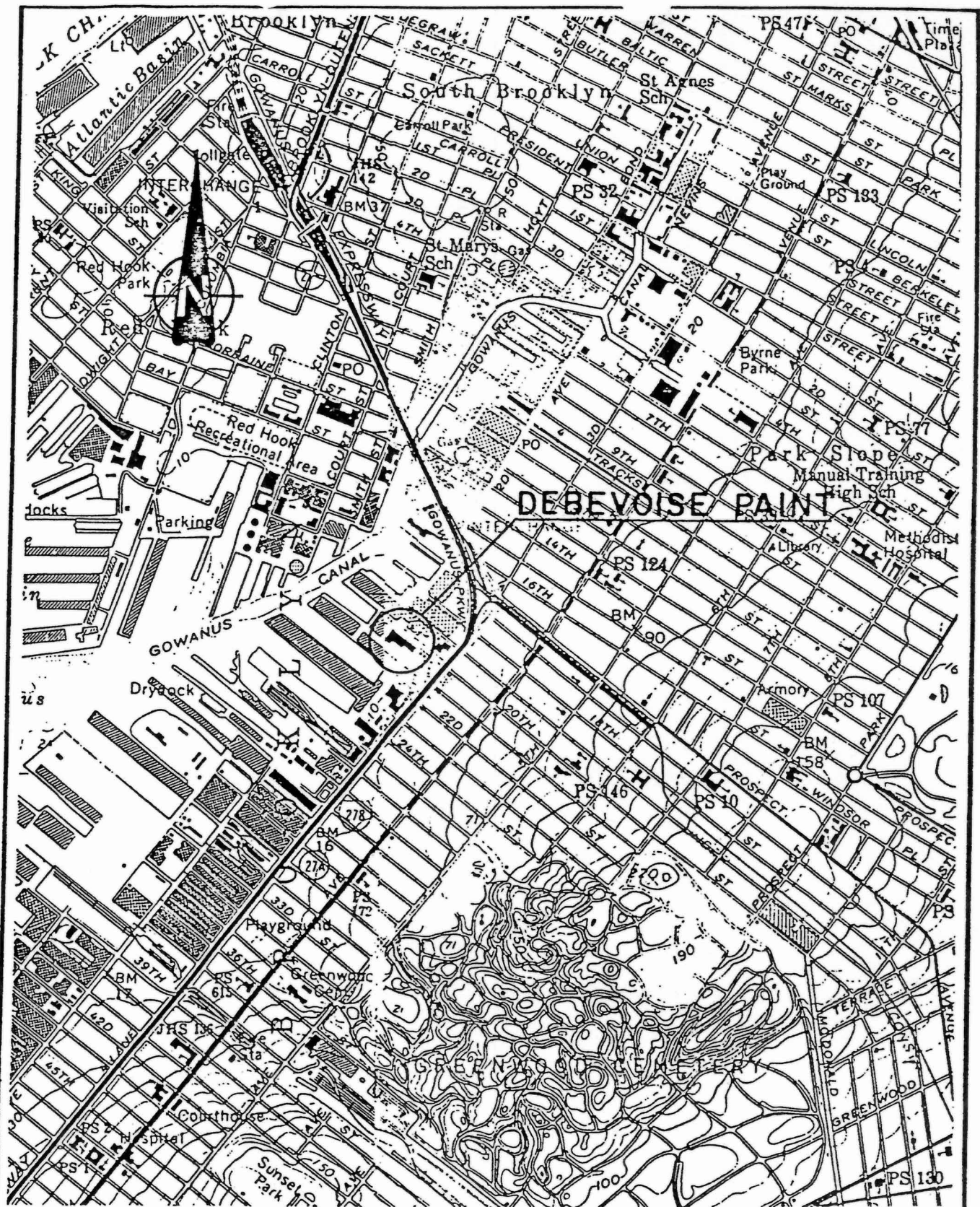
The following sections discuss in detail efforts to be made at the Debevoise facility to satisfy the closure performance standard.

1.B FINAL CLOSURE ACTIVITIES

Final closure activities on the waste storage area will occur in the three month period before final sale of facility. The EPA will be notified in writing 90 days before beginning. Procedures for final closure of the waste storage area including waste removal, cleanup and decontamination activities, are described in Section 1.D of the closure plan.

1.C MAXIMUM WASTE INVENTORY

Because the Debevoise facility is a manufacturing facility, the wastes stored on site must be differentiated from raw materials and from



SCALE: 1" = 2,000'  
SOURCE: U.S.G.S. TOPO MAPS

FIGURE 1  
DEBEVOISE PAINT  
BROOKLYN, NEW YORK  
LOCATION MAP

Elson T. Killam Associates, Inc.  
Environmental and Hydraulic Engineers  
27 Blocher Street Millburn, New Jersey 07041





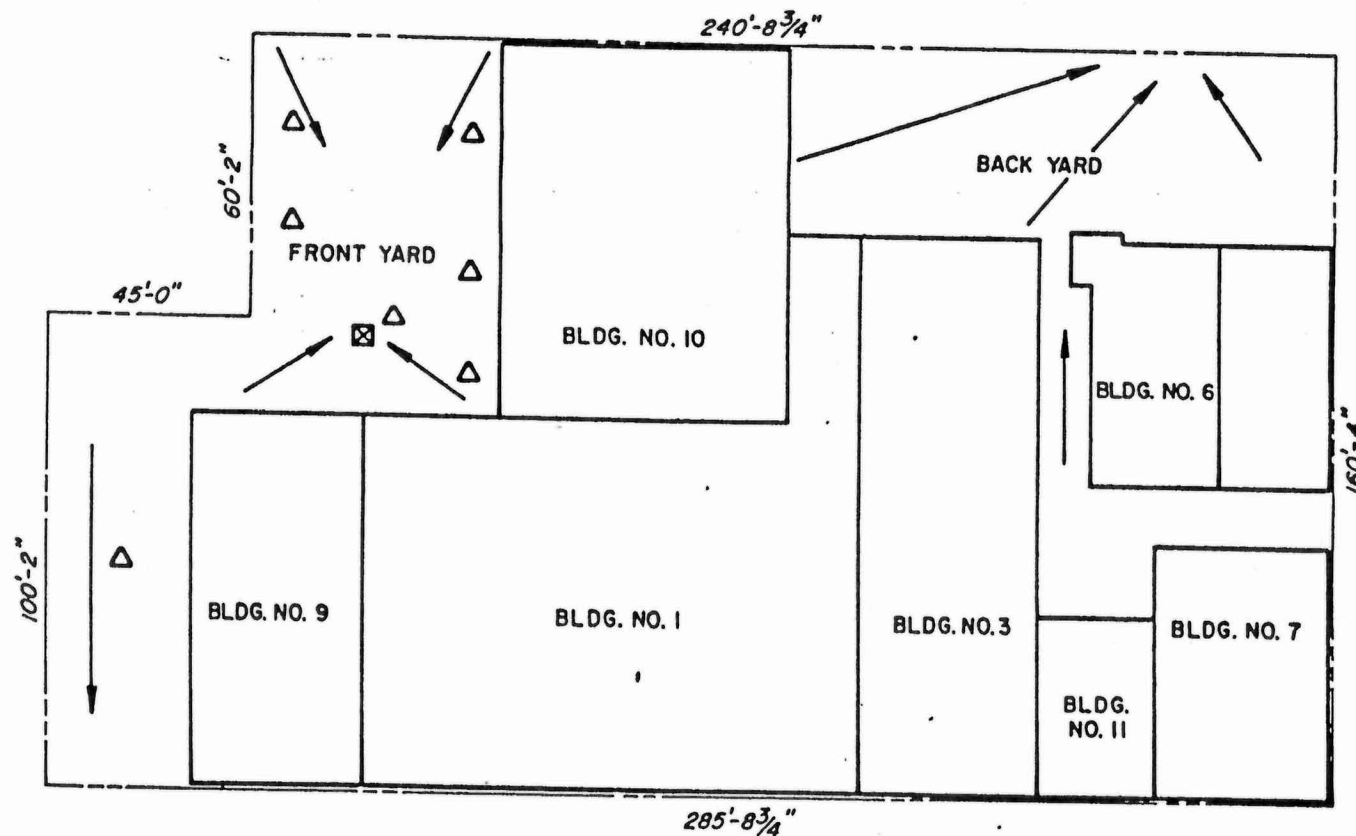
product inventory. Upon closure, non-waste materials will be transferred to new or expanded facilities. The total wastes on site include no more than 60 drums containing classes F003 (spent non-halogenated solvents), F005 (spent non-halogenated solvents) and sludges with pigments containing metals such as lead (Pb), titanium (Ti), chromium (Cr) and cadmium (Cd).

#### 1.D INVENTORY REMOVAL AND DECONTAMINATION OF THE SITE

The removal of inventory (including raw materials and finished products) will be separate from removal of waste material. Inventory removal will be done in accordance with applicable city, state and federal regulations, principally focusing on Department of Transportation requirements for containers and placarding.

Removal of inventory may be accompanied by spills, so spill management could also be necessary. In the event of a spill, the focus will be directed to containment on site and proper handling. Spill cleanup would be supervised by and performed by Debevoise personnel. Personnel will be equipped with adequate safety equipment including splash protection and respiratory protection. Absorbents used for spill control will be drummed for disposal with waste material. This disposal will include transport under manifest by a licensed contractor. An allowance for disposal of 10 tons of absorbed material has been included in the worst case cost estimate for closure. Steam cleaning will be used to remove residual spilled material, with liquid being drummed for disposal with absorbant, if determined to be or assumed to be hazardous, disposal will be to an acceptable Treatment, Storage and Disposal Facility.

Soils at the Debevoise facility are not expected to be contaminated by inventory removal, but in the event that they were, provision has been for excavation and proper disposal as described above. An allowance for



CURB LINE

20TH STREET

- DIRECTION OF SITE DRAINAGE
- △ SOIL SAMPLING LOCATIONS
- ⊗ STORM DRAIN

BLOCK NO. 639 LOTS 10 & 72

FIGURE 2  
DEBEVOISE COMPANY  
BROOKLYN, NEW YORK  
SITE PLAN FOR CLOSURE  
JANUARY, 1985

Elson T. Killam Associates, Inc.  
Environmental and Hydraulic Engineers  
27 Bleecker Street MHD, New Jersey 07041







disposal of 10 tons of contaminated soils has also been included in the worst case cost estimate for closure to cover this eventuality.

Contaminated soils will be sampled for disposal if determined to be or assumed to be hazardous, disposal will be to an acceptable Treatment, Storage and Disposal Facility.

#### 1.D.2. DESIGNATION OF WASTE STORAGE AREA

The Waste Storage Area, for the purpose of this document, are the fenced, paved, areas south and southeast of the main plant building, as shown in Figure 2. Wastes stored in these areas are principally paint sludges and spent solvents as described in 1.C above. Company practice is to retain such wastes for less than ninety days and to dispose of it by a licensed hauler under manifest. As such, it is not anticipated that the total waste will exceed 60 drums.

The Solid Waste Storage Area is in the same general area, also as shown in Figure 2.

#### 1.D.3. DECOMMISSIONING OF WASTE STORAGE AREA

Wastes stored in the Waste Storage Area will be removed for disposal under manifest by a licensed waste hauler. After removal of all inventory (described above) and all wastes, soil samples will be taken at the general locations shown in Figure 2 from soils underlying the paved area. These samples will be taken using a hand auger and will be analyzed for RCRA metals and for benzene, toluene and xylene (BTX). Action levels will be determined in review of results with regulatory agency personnel. If contamination is found, a second set of samples will be taken to define contaminated area. Soils contaminated above the action level will be removed, under manifest, by a licensed disposal contractor to a secure land disposal facility. In addition to the allowance for removal of





contaminated soils due to spills of inventory , a worst case allowance for disposal of 20 tons of contaminated soil from the waste storage area is included in the cost estimate.

Dried paint in the Solid Waste Storage Area and other areas will also be scraped, removed and tested for RCRA metals and BTX prior to disposal. Storm drains and laboratory sinks will be cleaned and recovered material will be tested for RCRA metals and BTX. Pipes will be removed and replaced as necessary. The soil area around the product pipes leading into the building will also be cleaned. Any material determined or assumed to be hazardous will be properly disposed of as a hazardous waste to an acceptable Treatment, Storage and Disposal Facility.

#### 1.D.4 EQUIPMENT CLEANING AND TANK CLOSURE

All process equipment on site will be emptied and inspected for removal. It should be noted that this equipment is not used in processing hazardous wastes, but rather is used for paint production.

#### 1.E CLOSURE SCHEDULE

Within 30 days of ceasing waste generation on site, all final closure activities will be completed. These activities and the schedule will be as follows:

- . Task 1 - Removal of Drummed Waste including Spill Cleanup  
Wastes - 20 days
- . Task 2 - Sampling and Testing of Soil -  
20 days (beginning after Task 1)
- . Task 3 - Removal, Disposal of Contaminated Soil -  
20 days
- . Task 4 - Completion and Certification of Closure - 10 days

DEBEVOISE-CLOSURE SCHEDULE

[illegible]



All cost computations are based on closure occurring in 1985.

Final closure will be supervised and certified by a professional engineer licensed in New York.

1.F EXTENSION OF CLOSURE TIME

No need for extension of the closure period is seen at this time.

2. POST CLOSURE PLAN (40 CFR <sup>265.117</sup> ~~122.25 (a) (13)~~)

Post closure care will not be needed because this is not a disposal facility.

3. NOTICE IN DEED AND TO LOCAL LAND AUTHORITY (<sup>40 CFR 265.119 & 265.120</sup> ~~40 CFR 122.25 (a) (14)~~)

Deed notification is not required because this is not a disposal facility.

4. CLOSURE COST ESTIMATE

4.A ASSUMPTIONS

The assumptions used in cost estimation are:

- . Closure will occur in 1985
- . Materials can be disposed as follows:
  - Contaminated soil, spill absorbents to secure landfill at \$300 per ton
  - Contaminated solvents to solvent reclamation or permitted fuel blending at \$0.25 per gallon
- . Excavation and packing will cost \$20 per yard or per ton
- . Bulking drummed wastes will cost \$75 per drum
- . Drums for absorbents will cost \$30 per drum, with 200 lb per drum
- . Sampling and analysis costs will be \$150 per sample
- . Supervision costs will be \$50 per hour and will include certification of cleanup.



4.B COSTS OF CLOSURE

Closure costs are shown by task in Table 4.1, for a total worst case closure cost of \$40,000. Debevoise Paints will post a bond or establish an equivalent escrow account in this amount.

TABLE 4.1

## WORST CASE CLOSURE COSTS - DEBEVOISE PAINTS

## A. Spills During Inventory Removal - Liquid

Absorbents: 10 tons @ \$0.20 per lb	\$ 4,000
Drums: 200 drums @ \$30	6,000
Bulking: 10 tons @ \$20	200
Disposal: 20 tons @ \$300	<u>6,000</u>

Subtotal \$16,200

## B. Spills During Inventory Removal - Soils

Excavation: 10 tons @ \$20	\$ 200
Disposal: 10 tons @ \$300	<u>3,000</u>

Subtotal \$ 3,200

## C. Decommissioning of Waste Storage Area

Bulking Drums: 60 drums @ \$75	\$ 4,500
Disposal: 2,500 gallons @ \$0.25	625
Soils Testing: 7 samples @ \$150	1,200
Soils Excavation: 20 tons @ 20.00	400
Soils Disposal: 20 tons @ \$300	<u>6,000</u>

Subtotal \$12,725

## D. Supervision and Certification

On site Supervision: 80 hrs. @ \$50	\$ 4,000
Certification: 16 hrs. @ \$50	<u>800</u>

Subtotal \$ 4,800

Total Cleanup Cost \$36,925

Say \$40,000

Index No.

Year 19

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Plaintiff,

- vs. -

PLC ENTERPRISES, INC., and its  
division, THE DEBEVOISE COMPANY,

Defendant.

CONSENT DECREE

BEVERIDGE & DIAMOND

Attorneys for The Debevoise Company

101 PARK AVENUE  
SUITE 2506  
NEW YORK, NEW YORK 10178  
TEL.: (212) 557-3355

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

.....  
Attorney(s) for

PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

19

☐ that an Order of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court,  
at  
on 19 , at M.

Dated:

Attorneys for

BEVERIDGE & DIAMOND

101 PARK AVENUE

Check Applicable Box

STATE OF NEW YORK, COUNTY OF

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and

☐ certify that the annexed  
Attorney's Certification has been compared by me with the original and found to be a true and complete copy thereof.

☐ say that: I am the attorney of record, or of counsel with the attorney(s) of record, for  
Attorney's Verification by Affirmation I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.  
dated:

\_\_\_\_\_  
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am

☐ in the action herein; I have read the annexed  
Individual Verification know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

☐ the of  
Corporate Verification a corporation, one of the parties to the action; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

sworn to before me on , 19

\_\_\_\_\_  
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On , 19 , I served a true copy of the annexed  
in the following manner:

☐ by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service  
Service By Mail within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

☐ by delivering the same personally to the persons and at the addresses indicated below:  
Personal Service